

EXECUTIVE ORDER



Subject:	Sexual Assault Victims' Rights Amendment Act of 2019
Number	EO-21-015
Effective Date	May 17, 2021
Related to:	GO-OPS-304.06 (Adult Sexual Assault Investigations) GO-OPS-305.01 (Interacting with Juveniles)

DISTRICT OF COLUMBIA

I. PURPOSE

The purpose of this executive order is to inform members of changes to procedures in sexual assault investigations for victims 13 years of age or older as a result of the *Sexual Assault Victims' Rights Amendment Act of 2019*.

II. PROCEDURES

A. General

1. To the extent that provisions in this executive order conflict with existing directives, the provisions set forth in this executive order shall prevail.
2. In accordance with GO-OPS-304.06 (Adult Sexual Assault Investigations), the first member who arrives on the scene of an alleged sexual assault and who comes in contact with the victim shall only interview the victim briefly to determine if a sexual assault is being reported, and when and where the offense occurred. Members shall ask only the necessary questions to enable them to determine if the reported crime is of a sexual nature. **Members shall not question the victim in detail about the offense.**
3. Assigned investigators shall respond to and provide a thorough and impartial investigation into all reports of sexual assault.
4. Investigators who are assigned to investigate sexual assault complaints shall be sensitive to the needs of the victim, and provide information and assistance throughout this traumatic event.
5. In addition to the procedures outlined in this executive order, investigators shall adhere to GO-OPS-304.06 (Adult Sexual Assault Investigations) when handling sexual assault investigations as appropriate.

B. Sexual Assault Victims 13 Years of Age or Older

1. Investigators shall provide the victim with a Sexual Assault Victim's Right Card.

NOTE: As of the publication of this order, the Office of Victims Services and Justice Grants (OVSJG) is in the process of finalizing the Sexual Assault Victim's Right Cards. The cards are planned for distribution to investigators in the next two to three weeks.

2. Before beginning an interview, investigators shall advise the sexual assault victim of their right to an advocate.
3. If the victim asserts their right to an advocate, the investigator shall:
 - a. Only conduct a minimal facts interview before the sexual assault victim consults with the advocate.
 - b. Contact DC Victim Hotline (1-844-443-5732) to request an advocate. The dispatcher will directly connect the investigator to an on-call advocate to provide the advocate with the following information: victim's name, DOB, location, specific accommodations the survivor may need such as language access, and SANE exam request, if known. If the victim is between 13 and 17 years of age, the investigator shall also provide: offender information to include- name, age, relationship to victim, a brief description of the allegation and whether this is a self-report or if someone is reporting the assault on behalf of the victim.
 - c. Wait for the advocate to respond in person or virtually prior to conducting any further interview.
 - d. Allow the victim to speak with the advocate privately and stand by until the virtual or in-person consultation is completed.
 - e. Be mindful that advocates may be present at:
 - (1) The forensic medical, evidentiary, or physical examination;
 - (2) Any point during the hospital visit; provided, that the presence of a sexual assault victim advocate or a sexual assault youth victim advocate does not pose health or safety risks to the sexual assault victim, the sexual assault victim advocate, or the sexual assault youth victim advocate; and
 - (3) The interview.
4. If the victim declines the offer of an advocate, the investigator shall:
 - a. Inform the victim that they can change their mind at any time in the future and request an advocate at any time, including during the current interview.

- b. Provide the victim with information about medical forensic care.
 - c. If the victim is seeking a SANE exam, contact the DC Victim Hotline to initiate the SANE dispatch process through the hospital advocate on call. If the victim is between 13 and 17 years of age, initiate the SANE dispatch process through Child and Adolescent Protection Center (CAPC) clinician on call at the hospital.
 5. If lead investigator discovers that MPD is not appropriate jurisdiction, then he or she shall ensure the case is referred to the appropriate jurisdiction.
 6. Investigators shall coordinate their arrival to the facility with the forensic nurse, and the advocate coordinator through MedStar. If the victim is 13 to 17 years of age, the investigator shall coordinate their arrival at Children's National Hospital (CNH) directly with the advocate (if one was requested) or through the DC Victim Hotline.
 7. For victims 18 years of age and older, investigators shall facilitate transport to MedStar Washington Hospital Center (MWHC), whether or not law enforcement decides to pursue the case. Facilitation of transport could include ensuring that the patient has his or her own transportation to MWHC, contacting the victim advocate for coordination of a car service, or transporting the patient directly to MWHC.
 8. If the interview was not already completed, investigators may continue to interview the victim at the facility (i.e., in the Quiet Room at MWHC or CNH) with a victim advocate present per the victim's wishes. Investigators shall be mindful that an in-depth interview with the victim may not occur until the victim has at least two full sleep cycles in between the assault and the time of the interview. An advocate shall be present during the hospital interview, unless declined by the victim.
 9. Investigators shall make reasonable attempts to notify the victim of their intent to communicate with the suspect before communicating with the suspect. If the investigator is unable to notify the victim before communicating with the suspect, he or she shall notify the victim as soon as possible after communicating with the suspect.
- C. Medical Forensic Examination, Physical Evidence Recovery Kit (PERK), or Toxicology Tests
1. The forensic nurse will communicate with the investigator after the exam is complete. The communication may include findings, collected evidence, and when the investigator can pick up evidence. PERK and Drug Facilitated Sexual Assault (DFSA) specimens shall be picked up by the investigator within 48-72 hours of notification by the forensic nurse and dropped off to the DC Department of Forensic Sciences (DFS) and Office of the Chief Medical Examiner (OCME) on the same day.

2. When the forensic nurse informs the investigator of changes in the status of any test (e.g., delay in processing, completion of analysis), the investigator shall inform the victim of the updated status of the test within 15 business days of being notified by the forensic nurse.
3. Investigators shall be aware that they are not required to disclose to the sexual assault victim the identity of any suspect implicated by DNA or similar testing for cases with an open investigation or active prosecution.
4. Investigators shall provide the victim, upon request, with a written copy of all policies governing the administration and preservation of a PERK.
5. Investigators shall ensure the PERK and its probative contents are preserved until the expiration of the maximum statute of limitations, if the statute of limitations is not applicable, until the victim is deceased. Investigators shall provide the victim with written notification at least 60 days before the date of the intended destruction or disposal.
6. A sexual assault victim 13 years of age or older may request, in writing, that the Department not perform any of its duties described in this section. In such a case, the investigator shall not perform that duty unless the victim later requests the Department perform the duty, with the exception of preserving the PERK.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1	Minimal Facts Interview	Brief interview limited to a determination of the following: (1) Immediate medical and safety needs of victim; (2) Jurisdiction or suspected jurisdiction both for Metropolitan Police Department (MPD) and the Sexual Assault Unit (SAU) or Youth and Family Services Division (YFSD) specifically, i.e., geographic location of the reported assault, if known, and verification that a sexual element to the crime exists; and (3) identity and location of perpetrator and any witnesses if known.
2	Sexual Assault Victim	An individual against whom a sexual assault has been committed or is alleged to have been committed, including a deceased individual.
3	Sexual Assault Victim's Rights Card	Document, published by the Office of Victim Services and Justice Grants (OVSJG) in consultation with the Sexual Assault Response Team (SART), printed in the most widely spoken languages in the District, that advises sexual assault victims of their rights under the law.



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